



**BEFORE THE
STATE OF WISCONSIN
Division Of Hearings And Appeals**

In the Matter of the Outdoor Sign Owned or
controlled by David Johnson, d/b/a The Museum
of Minerals and Crystals.

Case No.: 97-IH-1007

FINAL DECISION

On September 13, 1996, The Department of Transportation notified David Johnson that the above-referenced sign had been erected without a permit and ordered the removal of the sign. Mr. Johnson requested a hearing to review this order. By letter dated December 20, 1996, the Department of Transportation referred the request for hearing to the Division of Hearings and Appeals.

Pursuant to due notice a hearing was held on April 28, 1997, in Madison, Wisconsin, before Mark J. Kaiser, Administrative Law Judge.

In accordance with secs. 227.47 and 227.53(1)(c), Stats., the parties to this proceeding are certified as follows:

David Johnson, d/b/a Museum of Minerals and Crystals, petitioner,
no appearance

Wisconsin Department of Transportation, by
Attorney Allyn J. Lepeska
Office of General Counsel
PO Box 7910
Madison, WI 53707-7910

The Administrative Law Judge issued a proposed decision on May 12, 1997. No comments on the proposed decision were received. The proposed decision is adopted as the final decision in this matter.

Findings of Fact

The Administrator finds:

1. David Johnson, d/b/a, The Museum of Minerals and Crystals, erected a sign adjacent to State Trunk Highway 23 (STH 23), 0.27 miles south of the intersection of STH 23 and Norwegian Hollow Road. The message on the sign reads: "Riding Stable - Mineral Museum and Gift Shop - 1/2 Mile on Right." The subject sign was erected after March 18, 1972, without a state sign permit.

2. STH 23 is a federal-aid highway. The site of the subject sign is not within the bounds of an incorporated municipality or a "business area" as defined at sec. 84.30(2)(b), Stats. The site upon which the subject sign is located is zoned agricultural.
3. By letter dated September 13, 1996, the Wisconsin Department of Transportation ordered the removal of the subject sign.

Conclusions of Law

The Administrator concludes:

1. Pursuant to sec. 84.30(11), Stats., the subject sign is an illegal sign and is subject to removal.
2. Pursuant to secs. 84.30(18) and 227.43(1)(bg), Stats., the Division of Hearings and Appeals has the authority to issue the following order.

Order

The Administrator orders:

The sign removal order issued by the Department of Transportation on September 13, 1996, is affirmed.

Dated at Madison, Wisconsin on July 17, 1997.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 267-2744

By: _____

David H. Schwarz
Administrator